

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00284

MARTIN JOHNSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 23, 2016, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Martin Johnson, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Joseph Black. The defendant commenced a twenty-month term of supervised release in this action on May 5, 2015, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on August 25, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to report to the probation office on each Monday commencing on December 10, 2015, as directed by the probation officer inasmuch as he failed to report on that date or any date thereafter; (2) the defendant used and possessed controlled substances as evidenced by his admission to the probation officer on May 11, 2015, that he used Suboxone without a prescription; a positive urine specimen submitted by him on December 1, 2015, for methamphetamine and marijuana; a positive urine specimen submitted by him on December 10, 2015, for methamphetamine and marijuana; and a positive urine specimen submitted by him on February 22, 2016, for amphetamine, methamphetamine, morphine and marijuana; and (3) the defendant failed to participate in substance abuse counseling and treatment as instructed inasmuch as he failed to attend individual substance abuse counseling on June 29, October 1 and December 7, 2015, as well as the entire month of August, September and November, 2015, and January, 2016; and failed to attend intensive outpatient counseling for the entire months of

November and December, 2015, and January 2016; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

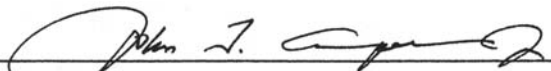
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 24, 2016



John T. Copenhaver, Jr.
United States District Judge